

REMARKS/ARGUMENTS

The Office Action dated November 2, 2005 has been carefully considered. Claims 1 and 4-14 are pending in the present application with claim 1 in independent form. Claims 1, 4, 9-12 and 14 have been amended in order to further clarify the features of the present application and claims 2 and 13 have been canceled without prejudice or disclaimer.

The Examiner has objected to claims 12-14 because of informalities. In particular, the Examiner contends that in claims 12 and 13 the term "place" is used while in claim 14 the term "plane" is used. By the present Amendment, Applicants have amended claim 12 to correct the error noted by the examiner and claim 13 has been canceled without prejudice or disclaimer.

Accordingly, it is respectfully requested that the objection to claims 12-14 be reconsidered and withdrawn.

Claims 1, 2, 5 and 9-14 have been rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 4,276,970 to Herrmann et al. Claim 4 has been rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Herrmann et al. Claim 6 has been rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Herrmann et al. in view of U.S. Patent No. 2,496,497 to Russell. Claims 7 and 8 have been rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Herrmann et al. in view of U.S. Patent No. 4,480,728 to Bailey et al. Reconsideration of these rejections is respectfully requested.

Herrmann et al., as understood by Applicants, relates to a hydrodynamic brake including housing or working chamber 7 with a rotor 11 and a stator 12. The working chamber is filled by means of a filling pump 13 which pumps fluid into the working chamber via filling valve 14 and filling line 15. Upon pressure on break pedal 9, the filling valve 14 is immediately open fully. This connects the filling line with the pump 13. Working chamber 7 is drained by an outlet conduit 18, 19 in which an overflow valve 16 is arranged. A control conduit 20 indicates the hydraulic pressure in the conduit 18 and acts on one end of movable body 42 of overflow valve 16 to move the valve in the "open" direction. The opposite end of the movable body 42 is acted on by pressure in control conduit 21 and by spring 22.

Herrmann et al., however, does not disclose a hydrodynamic brake including "a number of components for allowing regulation of the flow of the medium into or out of the space" and "a housing having a first side accommodating the rotor and stator and including at least three recesses formed in the first side, wherein each recess provides an opening to accommodate one of the components," as required by amended claim 1 of the present application. As illustrated in Fig. 1, for example, in Herrmann et al., the stator and rotor are positioned in the working chamber 7. However, the components that control flow of the medium into the working chamber, for example, overflow valve 16, control conduit 20, and control conduit 21, are not positioned in the working chamber 7.

Further, Herrmann et al. fails to disclose a hydrodynamic brake including a housing with "a second side which is detachably connected to the first side along a connecting region so that the first side and second side together form the housing and surround the rotor, stator and the components and enclose the recesses of the first side of the housing" as required by amended claim 1 of the present application. As noted above the only "housing" that appears to be disclosed in Herrmann et al. is the working chamber 7. There is no disclosure of a housing including a second side detachably connected to the first side along a connecting region so that the first side and second side surround the rotor, the stator and the components.

Accordingly, it is respectfully submitted that claim 1 and the claims depending therefrom, including claims 5 and 9-14 are patentable over Herrmann et al. for at least the reasons described above.

With regard to the rejection of claim 4 under 35 U.S.C. §103(a) as allegedly unpatentable over Herrmann et al., claim 4 depends from claim 1. As noted above, it is believed that claim 1 and the claims depending therefrom are patentable over Herrmann et al. for at least the reasons discussed above.

Accordingly, it is respectfully submitted that claim 1, and the claims depending therefrom, including claim 4, are patentable over the cited art for at least the reasons described above.

With regard to the rejection of claim 6 as allegedly unpatentable over Herrmann et al. in view of Russell, claim 6 depends from independent claim 1. As noted above, it is believed that

claim 1 is patentable over Herrmann et al. Further, it is believed that claim 1 is patentable over Herrmann et al. and Russell since Herrmann et al. and Russell, either alone or in combination, fail to teach or suggest the patentable features of claim 1 as described above.

With regard to the rejection of claims 7 and 8 under 35 U.S.C §103(a) as allegedly unpatentable over Herrmann et al. in view of Bailey et al., claims 7 and 8 also depend on independent claim 1. As noted above, it is believed that claim 1 is patentable over Herrmann et al. Further, it is respectfully submitted that claim 1 is patentable over Herrmann et al. and Bailey et al. since Herrmann et al. or Bailey et al., either alone or in combination, fail to teach or suggest the patentable features of claim 1 as described above.

Accordingly, it is respectfully submitted that claim 1, and the claims depending therefrom, including claims 7 and 8, are patentable over the cited art for at least the reasons described above.

In light of the remarks and the amendments made herein, it is respectfully submitted that claims 1 and 4-14 of the present application are patentable over the cited art and are in condition for allowance.

Favorable reconsideration of the present application is respectfully requested.

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